

MINUTES OF MEETING – OCTOBER 21, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 21st day of October, 2003, the Commissioners' Court convened the regular Voting Session at 9:13 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 10:37 AM.

The Commissioners' Court reconvened the Voting Session at 11:44 AM.

The Commissioners' Court recessed the Voting Session at 11:58 AM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, convened the Voting Sessions at 1:42 PM and adjourned at 1:45 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:45 PM and adjourned at 3:05 PM.

The Commissioners' Court reconvened the regular Voting Session at 3:05 PM.

The Commissioners' Court adjourned the Voting Session at 3:05 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Sebastian Castillo, Jr., Private Citizen; Dennis Haas, Travis County Fire Marshall; Brad Beauchamp, Assistant Travis County Fire Marshall; and Cindy Purinton, Benefit Contract Administrator, Human Resources Management Department (HRMD). (9:14 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4 and Items 3, 4.A, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16. (9:22 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF OCTOBER 7, 2003.
- C4.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 4, 2003 FOR APPROVAL OF PROPOSED STREET NAME ASSIGNMENTS TO “CRAWFISH LANE” AND “THURMAN BEND ROAD” NEAR LAKE TRAVIS IN PRECINCT THREE. (DAUGHERTY)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 1. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE STAFF TO NEGOTIATE THE FOLLOWING: (9:23 AM)
 - A. AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION; AND
 - B. A FISCAL SECURITY AND INDEMNIFICATION AGREEMENT WITH THOMAS PROPERTIES GROUP FOR IMPROVEMENTS TO FM 2222 BETWEEN SH 620 AND RIVER PLACE BOULEVARD RELATED TO A NEW TARGET DEPARTMENT STORE AT FOUR POINTS CENTER. (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 1.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to allow Staff to enter into the negotiations for the project and go forward.

A Friendly Amendment to the previous Motion was offered by Judge Biscoe that Staff execute the appropriate documents and that the County Judge be authorized to sign on behalf of the Travis County Commissioners’ Court.

Acceptance of the Friendly Amendment was made by Commissioner Daugherty and Commissioner Sonleitner.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO DISCUSS REPROGRAMMING OF A PORTION OF THE SURPLUS 1984 BOND FUNDS AND AN AMENDMENT NO. 1 TO THE ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE CONSTRUCTION OF A NEW BRIDGE AND APPROACH ROADS ON CAMERON ROAD IN PRECINCT ONE. (9:31 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Susan Spataro, Travis County Auditor.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the release of \$1.2 million in 1984 bond money, and also authorize Staff to enter into an agreement with the Texas Department of Transportation (TxDOT), to insure that we get the necessary bridge replacement.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

PLANNING AND BUDGET DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS AND TRANSFERS. (9:22 AM)

Clerk's Note: Item 3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 4. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:

- A. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A GUARDIAN AD LITEM GRANT PROGRAM IN THE JUVENILE PROBATION DEPARTMENT. THE GRANT CONTINUES THE PROGRAM FOR FY 04; (9:22 AM)

Clerk's Note: Item 4.A added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 4. B. GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR AN ACCESS AND VISITATION GRANT PROGRAM IN THE JUVENILE PROBATION DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04. (9:41 AM)

Members of the Court heard from: Alan Miller, Budget Analyst, Planning and Budget Office (PBO); and Cecelia Burke, Director, Domestic Relations Office (DRO).

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the grant contract in Item 4.B.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ADMINISTRATIVE OPERATIONS ITEMS

- 5. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$571,295.53 FOR THE PERIOD OF OCTOBER 3, 2003 THROUGH OCTOBER 9, 2003. (9:22 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:22 AM)

Clerk's Note: Item 6 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

7. REJECT ALL BIDS RECEIVED FOR IFB NO. B030157-SI, CONSTRUCTION OF 5501 AIRPORT BUILDING (EXTERIOR ADDITIONS PROJECT), AND REBID. (FM) (COMMISSIONER DAVIS) (9:22 AM)

Clerk's Note: Item 7 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

8. PURSUANT TO SECTION 264.151 OF THE TEXAS LOCAL GOVERNMENT CODE, DECLARE CERTAIN VEHICLES AND TRAILERS AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:22 AM)

Clerk's Note: Item 8 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

9. APPROVE PURCHASE OF MAIL SERVICES OFF STATE CONTRACT FROM UPS MAIL INNOVATIONS FOR RECORDS MANAGEMENT. (RCMR) (COMMISSIONER GÓMEZ) (9:22 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. APPROVE CONTRACT AWARD FOR WASTEWATER TREATMENT PLANT SERVICES, IFB NO. B030150-RV, TO THE LOW BIDDER, QUALITY MANAGEMENT SERVICES, INC. (FM) (COMMISSIONER GÓMEZ) (9:22 AM)

Clerk's Note: Item 10 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. 03K00201MB, ROOF REPLACEMENT, TO IMPLEMENT VALUE ENGINEERING PROPOSAL. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:22 AM)

Clerk's Note: Item 11 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

12. APPROVE CONTRACT AWARD FOR CUSTODIAL SERVICES – PRECINCT FOUR OFFICE BUILDING, IFB NO. B040001-LD, TO THE LOW BIDDER, BLUEBONNET CLEANING SERVICES. (FM) (COMMISSIONER GÓMEZ) (9:22 AM)

Clerk's Note: Item 12 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

13. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 4) TO INTERLOCAL AGREEMENT NO. IL010138EF, UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER, HOUSTON, FOR YOUTH VIOLENCE STUDIES. (HHS&VS) (COMMISSIONER GÓMEZ) (9:22 AM)

Clerk's Note: Item 13 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

14. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:22 AM)

Clerk's Note: Item 14 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

15. APPOINT PAUL DOUGLAS SMITH TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #1 AS A PRECINCT THREE APPOINTEE, TERM EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2005. (9:22 AM)

Clerk's Note: Item 15 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

16. APPOINT LINDA BOTTOMS TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #1 AS A PRECINCT THREE APPOINTEE, TERM EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2005. (COMMISSIONER DAUGHERTY) (9:22 AM)

Clerk's Note: Item 16 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

17. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY INVOLVEMENT IN LEGAL ACTION OBJECTING TO CONGRESSIONAL REDISTRICTING EFFORT BY THE TEXAS LEGISLATURE. (COMMISSIONER DAVIS) (9:13 AM)

Item 17 postponed until October 28, 2003.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON STRATEGIC STRATEGY TO IMPROVE THE FOLLOWING MAJOR INTERLOCALS: (9:43 AM)
(10:37 AM)

- A. AUSTIN-TRAVIS COUNTY CENTRAL BOOKING;
- B. AUSTIN-TRAVIS COUNTY EMERGENCY MEDICAL SERVICES (EMS);
- C. AUSTIN-TRAVIS COUNTY SOCIAL SERVICES CONTRACTS; AND
- D. AUSTIN-TRAVIS COUNTY HEALTH CARE SERVICES CONTRACTS.

Clerk's Note: Items 18.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Susan Spataro, Travis County Auditor; Michael Trimble, Criminal Justice Coordinator, Criminal Justice Planning; Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services.

Clerk's Note: Judge Biscoe requested that the committee bring back list of issues and give some feedback to the Commissioners' Court. The Court listed who would serve on the following committees: Central Booking Committee – Bill Derryberry, Senior Budget Analyst, PBO; Major Emily Treviño, TCSO; Robin Osborn, TCSO; Kelly Paige, TCSO; Michael Trimble, Criminal Justice Coordinator, Criminal Justice Planning; Kimberly Pierce, Criminal Justice Planning; Jim Connolly, Assistant County Attorney; and Precinct 4 Commissioner Margaret Gómez. EMS Committee - Caryl Colburn, Director, Counseling and Education Services (CES); Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; Precinct 2 Commissioner Karen Sonleitner; Precinct 3 Commissioner Gerald Daugherty; Barbara Cille, Executive Assistant, Commissioner Precinct 3 Office; Sean O'Neal, Auditor's Office; Alan Miller, Budget Analyst, PBO; Julie Joe, Assistant County Attorney and Barbara Wilson, Assistant County Attorney. Social Services Contracts and Health Care Services Committees - Stephen Williams, Executive Manager, TCHHS&VS; Arlene Tillman, HHS; Kathleen Haas, HHS; Tom Fulmer, HHS; Lisa Sindermann, HHS; José Palacios, Auditor's Office; April Bacon, Auditor's Office, Kimberly Walton, Auditor's Office; Valerie Spinelli, Budget Analyst, PBO; Precinct 4 Commissioner Margaret Gómez; and Precinct 1 Commissioner Ron Davis.

Discussion only. No action taken.

Item 18 to be reposted on November 12, 2003.

Clerk's Note: The Commissioners' Court revisited Items 18.C and D at 10:37 AM and added the names of Eric Francois, Purchasing; and Frank Holder, Assistant Purchasing Agent to the Social Services Contracts and Health Care Services Committees.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR DIRECTIONS TO FLEET MANAGEMENT COMMITTEE INCLUDING THE FOLLOWING: (10:14 AM)

- A. THE CHARGE OR SCOPE OF WORK;
- B. PROPOSED SCHEDULE;
- C. STANDARDS FOR TAKE HOME VEHICLES; AND
- D. NUMBER OF VEHICLES TARGETED FOR REDUCTION.

Clerk's Note: Items 19.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Lt. Jamie Page, Fleet Manager, Travis County Sheriff's Office (TCSO).

Clerk's Note: Judge Biscoe requested that the committee bring back list of issues and give some feedback to the Court. The Court noted that the following people would serve on the Fleet Management Committee: Joe Gieselman, Executive Manager, TNR; Mike Joyce, Fleet Manager, TNR; Terry Pickering, Major, TCSO; Lt. Jamie Page, Fleet Manager, TCSO; Christian Smith, Executive Manager, PBO; Jessica Rio, Budget Analyst, PBO; Susan Spataro, Travis County Auditor; Ron Dube, Purchasing; Commissioner Precinct 3 Gerald Daugherty; Commissioner Precinct 1 Ron Davis; and Dan Mansour, Risk Manager, HRMD.

Discussion only. No action taken.

Item 19 to be reposted on November 12, 2003.

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.076, Security

- 20. RECEIVE BRIEFING, APPOINT COMMISSIONERS COURT REPRESENTATIVE FOR MEDIATION AND TAKE APPROPRIATE ACTION JOHN WISNANT ET AL., VS. ROBERT JONES ET AL. (WISNANT; FRASIER; TEXAS TORT CLAIMS ACT) ¹ (10:37 AM) (11:45 AM)

Clerk's Note: Judge Biscoe announced that Item 20 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to appoint Dan Mansour, Risk Manager, HRMD, to represent Travis County at the mediation, and that we express our appreciation to Mr. Mansour for accepting this responsibility.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 21. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT TO THE PAY DETERMINATION POLICY, §10.03001 THROUGH §10.03013, TO DEFINE CRITERIA AND CONTRACT FOR PAY ADJUSTMENTS IN A SINGLE PAYMENT. ¹ (9:14 AM)

Item 21 to be reposted on October 28, 2003.

- 22. CONSIDER AND TAKE APPROPRIATE ACTION ON LIABILITY CLAIM FOR ARLICIA NORWOOD – COMPROMISE SETTLEMENT. ¹ (10:37 AM) (11:45 AM)

Clerk's Note: Judge Biscoe announced that Item 22 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Dan Mansour, Risk Manager, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to authorize settlement of this matter for the amount of \$100,000.00, of which \$12,000.00-plus would be for property damage, the other for personal injury; that we authorize the immediate release of the monies to settle this after execution of the settlement and release, and other appropriate legal papers.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 23. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION REGARDING COLLECTION CLAIM IN TRAVIS COUNTY VS. BARNES, LANDES, GOODMAN AND YOUNGBLOOD, AND TAKE APPROPRIATE ACTION. ¹ (10:37 AM) (11:46 AM)

Clerk's Note: Judge Biscoe announced that Item 23 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the filing of a lawsuit against Mr. Youngblood, to collect on the promissory note; and that we work with his legal counsel to make that as smooth as possible.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	present, not voting

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON AUS-TEX CONCESSIONS CONTRACT AT EXPOSITION CENTER. ¹ (10:37 AM) (11:47 AM)

Clerk’s Note: Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe and seconded by Commissioner Gómez to agree to extend this contract another four years, in exchange for the current 39%, plus an additional \$50,000.00 payment to Travis County annually; that we prepare an appropriate contract amendment to capture this understanding; and put in there appropriate audit and food quality provisions.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	no
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

- 25. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND TAKE APPROPRIATE ACTION REGARDING BARBARA OAKLEY, AS LEGAL GUARDIAN FOR RICHARD DANZINGER V. CITY OF AUSTIN, HECTOR POLANCO, ET AL. ¹ (10:37 AM)

Item 25 pulled from the Agenda.

ADJOURNMENT

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (3:05 PM)

Motion carried: County Judge Samuel T. Biscoe yes
 Precinct 1, Commissioner Ron Davis yes
 Precinct 2, Commissioner Karen Sonleitner yes
 Precinct 3, Commissioner Gerald Daugherty yes
 Precinct 4, Commissioner Margaret J. Gómez yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge